IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35954 of 2007(E)

AGAINST THE ORDER DATED 06/07/2007 IN (SUCCESSION) OP.1/2006 of SUB COURT,KOCHI

.....

PETITIONERS:

---

1. MARY NARAYANAN, W/O. NARAYANAN, KUNNATHARA HOUSE, KONAM WEST, PALLURUTHY,COCHIN-6.

2. SHEEBA SUNIL KUMAR, W/O. LATE SUNIL KUMAR K.NARAYANAN,KUNNATHARA HOUSE KONAM WEST, PALLURUTHY, COCHIN-6.

3. CHINJU NARAYANAN (MINOR), D/O. LATE SUNIL KUMAR K. NARAYANAN, -DO- -DO-.

4. SONA NARAYANAN (MINOR), D/O. LATE SUNIL KUMAR K.NARAYANAN, -DO- -DO-. (MINORS 3 & 4 ARE REP.BY THEIR MOTHER AND GUARDIAN SMT. SHEEBA SUNIL KUMAR, W/O.LATE SUNIL KUMAR-K.NARAYANAN, KUNNATHARA HOUSE, KONAM WEST, PALLURUTHY, COCHIN-6(2ND PETITIONER HEREIN).

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

NIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

==========

W.P(C).No.35954 of 2007

==========

Dated this the 5th day of December, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Subordinate Judge, Kochi in O.P.No.1 of 2006. As per the order, the court below has issued a succession certificate in favour of the petitioners declaring that each are entitled to one out of four shares in the estate of deceased Sunil Kumar K.Narayanan and authorising the first petitioner to receive the amount from the Dubai Dry Docks on production of proper and sufficient security in respect of the half share of 3rd and 4th petitioners, who are minors.

2. Learned counsel for the writ petitioners submitted that the financial position of the petitioners is so bad and as there is nobody to help them, it is very difficult for them to furnish security for the 50% amount and therefore prays for alternate arrangement. In an earlier case, this court had taken the view that a power of attorney can be executed by the authorised

person, here the first petitioner, in favour of the Consulate General of India, Dubai, who can collect the amount from the concerned employer and send it to the Collector, Ernakulam, who can deposit the amount before the court and the court can disburse one out of four shares in favour of the first and second petitioners and deposit the balance in the minors names till they attain majority, which will be more beneficial to them.

Therefore the order under challenge is modified and the Writ Petition is disposed in the above line.

M.N.Krishnan,
Judge.

ess 6/12